

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT PIERCE DIVISION**

**CASE NO. 24-14037-CIV-CANNON/Maynard**

**ALEKSEY TOVARIAN,**

Plaintiff,

v.

**RUBIC, LLC,**

Defendant.

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**ORDER ACCEPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION [ECF No. 33]**

**THIS CAUSE** comes before the Court upon Magistrate Judge Shaniek M. Maynard's Report and Recommendation (the "Report") on the Motion for Attorneys' Fees filed by now-dismissed Defendant Kateryna Panova [ECF No. 33 (Report); ECF No. 18 (Motion)].<sup>1</sup> On November 13, 2024, following referral, Magistrate Judge Maynard issued a Report recommending that the Motion for Attorneys' Fees be denied without prejudice, to be refiled ten days after resolution of a separate Report and Recommendation on Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint [ECF No. 33; *see* ECF Nos. 17, 32]. No party has filed objections to the Report on the Motion for Attorneys' Fees, and the time to do so has expired [ECF No. 33].

To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. *See* Fed. R. Civ. P. 72(b)(3); *Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). A district court

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<sup>1</sup> Defendant Panova was voluntarily dismissed by operation of Plaintiff's Second Amended Complaint [ECF No. 14].

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reviews de novo those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1). To the extent a party fails to object to parts of the magistrate judge's report, the Court may accept the recommendation so long as there is no clear error on the face of the record. *Macort*, 208 F. App'x at 784. Legal conclusions are reviewed de novo, even in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Following review, the Court finds no clear error of fact and no errors of law in the well-reasoned Report. Accordingly, it is hereby

**ORDERED AND ADJUDGED** as follows:

1. The Report and Recommendation [ECF No. 33] is **ACCEPTED**.
2. The Motion for Attorney's Fees [ECF No. 18] is **DENIED WITHOUT PREJUDICE** to be refiled, if deemed appropriate, within 10 days after a ruling on the separate Report and Recommendation [ECF No. 32].

**DONE AND ORDERED** in Chambers at Fort Pierce, Florida this 3rd day of December 2024.

  
**AILEEN M. CANNON**  
**UNITED STATES DISTRICT JUDGE**

cc: counsel of record